

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Petition of
Elbert County, Georgia

For Modification of the Television Market
of Station WSB-TV (ABC), Channel 2,
of Station WXIA (NBC), Channel 11,
of Station WAGA (FOX), Channel 5,
of Station WGCL (CBS), Channel 46,
Atlanta, Georgia with Respect to DISH
Network and DIRECTV

To: Chief, Media Bureau

PETITION FOR SPECIAL RELIEF

Pursuant to Section 338 of the Communications Act and Sections 76.7, 76.59 and 76.66 of the Commission's rules and with the support of hundreds of its residents, Elbert County, Georgia, hereby requests (hereinafter, the "Petition") that the television market of WSB-TV (Channel 2, ABC, Atlanta, Georgia) ("WSB-TV" or "Station") WXIA (Channel 11, NBC, Atlanta, Georgia) ("WXIA" or "Station") WAGA (Channel 5, FOX, Atlanta, Georgia) ("WAGA" or "Station") WGCL/WSB/WXIA/WAGA (Channel 46, CBS, Atlanta, Georgia) ("WGCL" or "Station") be modified to include Elbert County (the "County") in northeast Georgia with respect to satellite TV provider DISH Network ("DISH") and satellite TV provider DIRECTV ("DIRECTV"). For historical and geographic reasons, the County has long been assigned by Nielsen to the Greenville-Spartanburg-Asheville-Anderson designated market area ("DMA"). As such, the County has been "orphaned" by Nielsen due to its assignment to an out-of-state DMA and has been deprived of the ability to receive from a satellite carrier its preferred in-state television broadcast stations. Consumers in the County have been unable to receive from a satellite carrier important news from their own state capitol. Sports fans in the County have had far fewer opportunities to enjoy in-state televised sporting events such as the Atlanta Falcons football games and the record breaking inaugural season of the Atlanta United Major League Soccer team. In addition,

the County's weather patterns, while influenced by the Blue Ridge mountain range, typically comes from the West. As part of the Greenville-Spartanburg-Asheville-Anderson DMA, the County is at a disadvantage for seeing the incoming weather from the other portions of our state.

The STELA Reauthorization Act of 2014 ("STELAR") empowered the Federal Communications Commission ("FCC" or "Commission") to modify a television broadcast station's local market when it would, among other things, "address satellite subscribers' inability to receive in-state programming in certain areas."¹ STELAR added satellite television carriage to the Commission's market modification authority. The Commission adopted satellite television market modification rules that provide a process for local governments to request changes to the boundaries to include a new community located in a neighboring local market.² This Petition thus falls within Section 338's market modification provision, which allows the Commission to "include additional communities within [a station's]....to better effectuate the purposes of this section."³

For reasons explained below, the County respectfully requests that the Commission modify WSB-TV's, WXIA's, WAGA's, WGCL's local market, as defined in 17 U.S.C. § 122(j), to include the County with respect to carriage by DISH and DIRECTV.

I. TECHNICAL AND ECONOMIC FEASIBILITY

On August 31, 2016, the County sent to DISH a pre-filing coordination letter pursuant to 47 C.F.R. § 76.59(e) of the Commission's rules (Exhibit A). DISH responded on September 2, 2016 ("DISH Response") (Exhibit A) and confirmed that based upon DISH's current knowledge and satellite coverage capabilities, DISH was unaware of any factors that render the provision of the Station in the County to be "technically infeasible" pursuant to 47 C.F.R. § 76.59(e). DISH, however, reserved the right to amend its feasibility certification "at any time due to, among other things, a satellite equipment failure or a different

¹ Market Modification Order ¶ 3.

² FCC DA 17-204 and *Amendment to the Commission's Rules Concerning Market Modification; Implementation of Section 102 of the STELA Reauthorization Act of 2014*; MB Docket No. 15-71, Report and Order, 30 FCC Rcd 10406 (2015) (*STELAR Market Modification Report and Order*) (revising 47 CFR § 76.59). A community is defined as a county for purpose of the satellite market modification rules. 47 CFR § 76.5(gg)(2).

³ 47 U.S.C. § 338(1).

satellite being brought into service for the area that include the County which has different coverage capabilities that the satellite(s) currently being used.”⁴

The County also understands from the DISH Response that if a given Atlanta, Georgia local broadcast station impacted by a market modification elects retransmission consent with respect to DISH for carriage of its station in the County, “DISH cannot be certain whether it will be able to successfully reach an agreement with the station.” And, if DISH is unable to reach a retransmission consent agreement with a given station, “it will be impossible for DISH to provide that station’s signal into the County.” DISH also clarified that if only some, but not all, of the Atlanta Big-4 stations “were to deny DISH the right to retransmit its signal into the County, it may be either technically or economically infeasible, or both, for DISH to launch a customer offering with only the remaining stations that did grant retransmission consent.” The DISH Response also notes that “an FCC grant of a market modification could result in, among other things, two different stations affiliated with the same broadcast network being authorized for satellite local-into-local carriage in the County,” which would “result in DISH being required to pay retransmission consent fees twice for the same broadcast network.” DISH therefore has stated it “must reserve the right to charge additional fees to subscribers in the County who elect to receive any Atlanta local broadcast stations that DISH may be authorized to offer as a result of any market modification.”

On August 31, 2016, the County sent to DIRECTV a pre-filing coordination letter pursuant to 47 C.F.R. § 76.59(e) of the Commission’s rules (Exhibit B). DIRECTV responded by letter September 28, 2016, (“DIRECTV Response”) (Exhibit B) and confirmed that based upon DIRECTV’s current knowledge and satellite coverage capabilities, DIRECTV can provide service to all the zip codes associated within the County with its SD and HD spot beam.

⁴ *Id.*

II. THIS PETITION SATISFIES THE STATUTORY FACTORS

As required by STELAR, the Commission determines whether to grant a market modification based on consideration of five statutory factors. These factors reflect the four factors previously applicable to market modifications in the cable context, plus an additional factor to assess “whether modifying the local market of the television station would promote consumers’ access to television broadcast station signals that originate in the State of residence.” The five statutory factors are not intended to be exclusive. Furthermore, the importance of particular factors will vary depending on the circumstances of each case.

The five factors are:

1. Whether the station or other stations located in the same area have been historically carried on (a) the cable system within that community; and (b) the satellite carrier or carriers serving that community;
2. Whether the television station provides coverage or other local service to that community;
3. Whether modifying the local market of the television station would promote consumers’ access to television broadcast station signals that originate in their state of residence;
4. Whether any other television station that is eligible to be carried by a satellite carrier in the community in fulfillment of the requirements provides news coverage of issues of concern to the community or provides carriage or coverage of sporting and other events of interest to the community; and
5. Evidence of viewing patterns in households that subscribe and do not subscribe to the services offered by multichannel video programming distributors within the areas served by the multichannel video programming distributors in the community.⁵

⁵ Order ¶ 8.

A. This Petition Satisfied the Third and Most Important Factor by Bringing an In-State Local Broadcast Station to Consumers Who Historically Have Been Unable to Receive it From a Satellite Carrier

Where, as here, the purpose of the market modification is to bring a previously unavailable (via satellite carrier) in-state local broadcast station to a community, the third factor should carry significant weight in the Commission's analysis.⁶ Today, because the County is assigned to the Greenville-Spartanburg-Asheville-Anderson DMA, all of its local broadcast content available by satellite is oriented to the interests of different states. The Station is licensed in the Atlanta, Georgia DMA, which is in the same state as the County. As the Elbert County Commissioners, we represent our constituents and seek to be an advocate for those we serve⁷. We have worked diligently on this petition since the implementation of STELAR. Elbert County residents feel disenfranchised and disadvantaged by the lack of access to Atlanta programming, and want to receive news, as well as educational, sports, and other programming, from our own state capitol⁸.

This Petition therefore satisfies the third factor by delivering an in-state ABC-affiliated, NBC-affiliated, FOX-affiliated, CBS-affiliated local broadcast station from Atlanta, the Georgia state capitol, over DISH's and DIRECTV's satellite TV service to consumers in the County who have previously been unable to receive it from DISH and DIRECTV. As the Order explains, this third in-state factor received enhanced weight when the Commission considers market modification petitions.⁹

This Petition is also timely, given that 2018 is a gubernatorial election year. In this, and every election year, Elbert County residents do not have access to specific public affairs programming such as televised debates of gubernatorial candidates, Congressional candidates, candidates for State office, or statewide ballot issues, which compromises their ability to be well informed and well educated as to

⁶ See Order ¶ 4 and ¶ 8.

⁷ Letter from Elbert County Board of Commissioners Chairman

⁸ See Exhibit L

⁹ See Order ¶ 4 ("We conclude that the new in-state factor, when applicable, favors any market modification that would promote consumers' access to an in-state station. When applicable, this in-state factor serves as an enhancement, the particular weight of which depends on the strength of showing by the petitioner.")

issues affecting them as citizens of Georgia. Constituents in the County have an interest in seeing their own state officials and news regarding state political campaigns on satellite TV, and this Petition would facilitate such access.

In addition to state and national political news, the County residents desire to see local political results and programming that is important to the County. The November 2017 local election results were not posted or were provided limited coverage by the ABC-affiliated, NBC-affiliated, FOX-affiliated, CBS-affiliated local broadcast station. Local election results are submitted by the Election Superintendent to the Georgia Secretary of State routinely throughout the election night making the information available to the stations as well as the public. As evidenced by Exhibit J which includes screenshots of election results from the station's website, results for Georgia's orphaned counties, including Elbert County's municipalities, were excluded. The current ABC-affiliated, NBC-affiliated, FOX-affiliated, CBS-affiliated local broadcast station also provided no coverage or limited coverage of the 2018 candidates.

In a joint letter of support from our Congressional representatives, Congressman Collins, Senator Isakson, and Senator Perdue express a strong support of the satellite market modification and define the "need for access to in-state television for news, weather, and sports". They further note that "this petition comes after years of effort in the legislative and executive branches of our government as well as the state level"¹⁰

The Georgia Association of Broadcasters, a trade association that represents the interest of Georgia television licensees, has also confirmed their full support in a letter¹¹. The Association writes, "as broadcasters in Georgia, we appreciate the efforts of Elbert [County] to increase viewer access to local broadcast TV programming in Northeast Georgia." While the Association does not wish to undermine the framework of local TV broadcasting, they do note their goal "is to provide [orphan] counties with local Georgia programming."

¹⁰ Letter dated May 19, 2017 from Congress of the United States—Collins, Isakson, Perdue

¹¹ Letter dated November 27, 2017 from Georgia Association of Broadcasters

Grant of this Petition would enable DISH and DIRECTV subscribers in the County to receive the Station, which offers Georgia-oriented weather, news, sports, and political coverage, among other things, through their satellite TV package.

B. The Remaining Factors Support This Petition

The first, second, and fifth factors all relate to historical or current opportunity to view the Station in the County (the first and second factors), and whether the residents of the County have availed themselves of such opportunities (the fifth factor). Since the purpose of STELAR was to facilitate access to in-state broadcast programming, neither a lack of historical carriage or coverage, nor a commensurate lack of historical viewing patterns for the Station, should weigh against the requested market modification. Because the County has long been assigned by Nielsen to an out-of-state DMA, STELAR's market modification provision marks the first opportunity for the County to receive the Station's signal over satellite. Given this lack of carriage, residents of the County have had scant opportunity to develop any viewing patterns for the Station. It is precisely this lack of opportunity to view, via satellite TV, an in-state network-affiliated station that this Petition intends to remedy. Regarding the fourth factor, the County is unaware of another in-state local broadcast station carried by a satellite provider in the County that offers Atlanta- and Georgia-oriented news coverage of issues of concern to residents of the County.

III. EVIDENTIARY SHOWING

The Commission adopted a standardized evidence approach for modifications and requires certain evidence be submitted. The County submits evidence as explained below responsive to the evidentiary requirements in the Commission's rules.¹²

- (1) A map or maps illustrating the relevant community locations and geographic features, station transmitter sites, cable system headend locations, terrain features that would affect station reception, mileage between the community and the television station transmitter site, transportation routes and any other evidence contributing to the scope of the market.

¹² 47 C.F.R. § 76.59(b)(7).

- a. Attached as Exhibit C is the ASR Registration Search indicating the Station's transmitter site.
 - b. Attached as Exhibit D is a map indicating the approximate highway distance between the County and WSB-TV's, WXIA's, WAGA's, WGCL's main transmitter site in Atlanta, Georgia. As the map shows, the County is roughly 111, 108, 105, 101 miles away by car from WSB-TV's, WXIA's, WAGA's, WGCL's main transmitter site in the Atlanta DMA.
- (2) Grade B contour maps delineating the station's technical service area and showing the location of the cable system headends and communities in relation to the service areas.
- a. Attached as Exhibit E is a summary of results illustrating the location of the County and indicating WSB-TV's, WXIA's, WAGA's, WGCL's coverage area based on over-the-air signal strength. According to the coverage area map, the signal strength for WSB-TV, WXIA, WAGA, WGCL is 54.0, 87.6, 87, 87.1 in comparison to 90.8, 80.0, 74.6, 70.6 from the Greenville ABC-affiliated, NBC-affiliated, FOX-affiliated, CBS-affiliated local broadcast station. While the over-the-air signal strength does not impact satellite delivery, this map is evidence that assignment to the Greenville DMA is not an issue of geographical proximity to the stations. The variance in distances between the two local broadcast stations and the County is minimal.
 - b. Attached as Exhibit F is the Contour Map for WSB-TV, WXIA, WAGA, WGCL. However, it is important to note that service does not stop at the contour line and over-the-air signal strength should not impact broadcast via satellite.
- (3) Available data on shopping and labor patterns in the local market.
- a. Attached as Exhibit G is labor/shopping patterns data. Based on a survey of Northeast Georgia Orphan County residents, including Elbert County, over 91% of respondents stated they shop locally or within the state of Georgia. Over 97% of

respondents seek services such as healthcare and arts/entertainment locally or within the state of Georgia.

- (4) Television station programming information derived from station logs or the local edition of the television guide.

a. Attached as Exhibits H and I, is a recent multi-day programming lineup for WSB-TV, WXIA, WAGA, WGCL, for DISH and DIRECTV, respectively, which shows that the Station broadcasts a local news program with Georgia news, sports, and weather several times a day, with "NEWS" airing at 4:30am, 5:00am, 6:00am, 12:00pm, 12:30pm, 4:00pm, 5:00pm, 6:00pm, 11:00pm; //3:00am, 3:30am, 4:00am, 4:30am, 5:00am, 5:30am, 6:00am, 11:00am, 5:00pm, 6:00pm, 11:00pm; //4:00am, 4:30am, 5:00am, 5:30am, 6:00am, 7:00am, 8:00am, 9:00am, 12:00pm, 12:30pm, 5:00pm, 6:00pm, 10:00pm, 11:00pm, 11:30pm; //4:00am, 4:30am, 5:00am, 6:00am, 12:00pm, 4:00pm, 5:00pm, 6:00pm, 11:00pm; local time.

- (5) Cable system channel line-up cards or other exhibits establishing historic carriage, such as television guide listings.

a. There has not been historic carriage of the Station in the County by satellite carriers, and therefore no evidence is being submitted for this element with respect to satellite. The County respectfully requests a waiver from this required evidence.

- (6) Published audience data for the relevant station showing its average all day audience (i.e., the reported audience average over Sunday-Saturday, 7 a.m.-1 a.m., or an equivalent time period) for both cable and noncable households or other specific audience indicia, such as station advertising and sales data or viewer contribution records.

a. As discussed above, given the lack of historical carriage of the station in the County, Nielsen rating or other audience data would not be helpful in evaluating this Petition. Therefore, to the extent necessary, we respectfully request a waiver of this item.

IV. ADDITIONAL RELEVANT INFORMATION

In addition to the five statutory requirements, the Commission may also consider other pertinent information when necessary to develop a result that will “better effectuate the purposes” of the law. Section 338 directs the commission to “afford particular attention to the value of localism.”

Elbert County is nestled in Northeast Georgia next to Lake Russel and seated in Elberton. We are proud of our Georgia roots and diversified landscape. Elbert County is a major agricultural and granite monument producer and is consistently one of the top 3 total farm gate value counties in Georgia. Elbert County is the site of the world famous “Guide Stones,” and hosts two State Parks. Lake Russell, an Army Corp of Engineers lake, separates Elbert County and South Carolina and is considered one of the Southeast’s largest and most popular recreation lakes. Elbert County is renowned in being the “Granite Capital of the World.”

Elbert County takes great pride in its Georgia history. As the eighth county in the state, Elbert County originally encompassed a large region of land including all of the territory in six and portions of seven other modern-day counties. Today, Elbert County is “orphaned”. Being assigned to the Greenville-Spartanburg-Asheville-Anderson DMA, Elbert County, Georgia residents are deprived of in-state news, politics, sports, and weather. The quality and quantity of coverage by the current local broadcast station is not an issue. Instead, it is the content. The current local broadcast station is marketed to appeal to the residents of South and North Carolina, not the residents of Georgia. Elbert County residents often dine and shop in Athens and Atlanta, support the Georgia Bulldogs, Georgia Tech Yellowjackets and the Atlanta Falcons, but our “local” stations show us Clemson sporting events, or the Carolina Panthers on Sunday afternoon, and the commercials for products and attractions from North and South Carolina. Exhibit J shows the current broadcasters choice of themes and captions such as “Carolina Cares”, “Carolina Moment”, “Chronicle; South Carolina from Above”, “Carolina’s Family”, “Caring for the Carolinas”, “Fox Carolina”, “South Carolina Headlines” which isolates the Georgia viewers assigned to the Greenville-Spartanburg-Asheville-Anderson DMA. Attached as Exhibit J is evidence of the “Carolina” themed media delivery of the current broadcaster.

Georgia has increased its capacity as a state government. Georgia has been ranked #1 for Business for five consecutive years¹³ and is currently ranked first in production of feature film movies. Over the past few years, Northeast Georgia has been the site of many of these films. Georgia is also a major hub for transportation and worldwide travel¹⁴. Elbert County is the homeplace to the current State Representative for the 33rd Congressional District and Chairman of the House Agriculture and Consumer Affairs Committee; and yet, our nightly news is filled with the economic, entertainment, travel, and politic news of North and South Carolina.

In the few year, Georgia's sports teams filled the national headlines. The inaugural season of the Atlanta United Major League Soccer team broke multiple records for attendance¹⁵. This increase in soccer was evident through all levels of the sport. Director of Georgia Soccer was quoted, "the impact of Atlanta United will be huge. It will raise the level of interest in soccer by everyone, from media to corporate to civic to schools to park and rec programs."¹⁶ However, it can only raise interest in Elbert County if our residents can readily view it. In football, our residents are forced to watch the Carolina Panthers over their in-state team, the Atlanta Falcons. The University of Georgia (UGA) is a short 35-mile ride from the County seat. Due to the proximity, some of our high school students attend UGA through the dual enrollment, "Move on When Ready" (MOWR), program. Yet, during UGA's path to the National Championship game, our nightly news was filled with Clemson (South Carolina) news and sports update.

While UGA made headlines for sports, the greater subject is the opportunity for Elbert County students to attend the school through the Hope and Zell Miller Scholarship programs. These post-secondary scholarship options are made available with funding through the Georgia Lottery Program. In Elbert County, tickets are purchased in the state, but nightly broadcasts on our local stations show the South Carolina lottery.

¹³ Arend, M. (2017, November). *Smart Money*. Retrieved from www.siteselection.com

¹⁴Transportation and the Economy. <http://georgiainfo.galileo.usg.edu>

¹⁵ Roberson, D. (2017, October 23). *Atlanta United breaks more attendance records*. Retrieved from www.ajc.com

¹⁶ Longshore, J. (2016, August 11). *Georgia Soccer DOC Jacob Daniel: "So many signs of soccer growth"*. Retrieved from www.dirtysouthsoccer.com

With Georgia's growing economy and increased capacity, the race for Governor and other leadership and legislative positions in 2018 will be important. Many candidates have declared their candidacy. As election days grow closer, the paid advertisements and endorsements will increase in numbers. In the homes of satellite customers in Elbert County, these short broadcasts intended to provide information in making an education decision will be nullified. Our residents will learn of North Carolina and South Carolina candidates. Citizens desiring information on candidates seeking to represent Elbert County Georgia in the Senate and House in both the national and state government will lose access to this important information. Even beyond the commercials, this information will be absent from nightly news programs, televised debates, and election poll and results reporting.

Safety is a crucial factor that is one of the primary concerns for Elbert County citizens. The vast majority of this population receives their news, traffic and weather from Satellite TV. Most weather systems move from west to east, severe and sometimes deadly severe weather systems could be tracked much farther in advance receiving news and weather from the Georgia stations, all of which are located to the west and southwest of Elbert County. This would give our Citizens and visitors much more advanced notice and time to prepare themselves and their families for their safety.

Carriage of Atlanta television station in Elbert County is an issue of utmost importance to the citizens of our community. In that regard, attached as Exhibit L are public comments recently submitted to the Elbert County Board of Commissioners in support of this Petition. Over the years, countless other constituents have expressed their strong desire for Atlanta television programming to the Elbert County Board of Commissioners.

Elbert County is one of the counties that has repeatedly been identified as an "orphan" county with insufficient access to in-state programming. Congress intended to address orphan county situations such as Elbert County with the implementation of STELAR. The County seeks to remedy the lack of in state programming. Since the enactment of STELAR, Elbert County has diligently worked to compile the necessary information required for the market modification. In addition, Elbert County has sought and received the support of the Georgia Association of Broadcasters, Legislators, and most importantly, our

citizens. Evidence of this support is provided in Exhibits K and L. Indeed, public Support for this Petition from Elbert County residents has been overwhelming. On June, 11, 2018, the Elbert County Board of Commissioners held a Public Hearing on this issue after publishing due notice. At said hearing “the BOC meeting room was full of citizens who were there to share their concerns” on the issue and “[a]n overwhelming majority were there in favor of changing to the Atlanta market...”, as report by the Elberton Star Newspaper. A copy of the news story published in the June 13, 2018 edition of the Elberton Star newspaper is attached hereto as Exhibit M. Also, on October 7, 2015, the Elberton Star newspaper held an online poll in the newspaper’s website, in which 78.8 percent of respondents voted for their preference that their local channels come from the Atlanta television market. A copy of said online poll and the results thereof is attached hereto as Exhibit N.

V. CONCLUSION

For the foregoing reasons, the County urges the Commission to expeditiously grant its Petition.

Respectfully submitted,

ELBERT COUNTY

BOARD OF COMMISSIONERS

Lee Vaughn, Chairman

LISTING OF EXHIBITS

EXHIBIT A	DISH Pre-Filing Coordination letters and Feasibility Certificates
EXHIBIT B	DIRECTV Pre-Filing Coordination letters and Feasibility Certificates
EXHIBIT C	ASR Registration Search Results
EXHIBIT D	Google Map showing distance between Antenna Structure and County Seat
EXHIBIT E	Summary of Distance to Transmitters from All Channels
EXHIBIT F	Contour Map
EXHIBIT G	Northeast Georgia Orphan County Citizen Survey
EXHIBIT H	Programming Lineup for DISH
EXHIBIT I	Programming Lineup for DIRECTV
EXHIBIT J	Current Broadcaster Coverage of Elections and Themed Coverage
EXHIBIT K	Letters of Support
EXHIBIT L	Comments from County Residents

EXHIBIT

tabbies

A

ELBERT COUNTY
Board of Commissioners

45 Forest Avenue
Elberton, Georgia 30635
706/283-2000 Telephone
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TAMARA BUTLER, Co. Clerk
BILL DAUGHTRY, Co. Attorney

August 31, 2016

Ms. Alison A. Minea
Director & Senior Counsel, Regulatory Affairs
DISH Network L.L.C.
1110 Vermont Ave NW
Suite 750
Washington, DC 20005

RE: Request for Feasibility Certificate for Elbert County, Georgia

Dear Sir or Madam:

Elbert County, Georgia is identified as an orphan county. As part of the Greenville Spartanburg Asheville Anderson Neilson DMA Region, our citizens are unable to access Georgia news, politics, sports, and emergency information as customers of satellite providers. Our citizens have an overwhelming interest in market modification and applauded the STELAR Act of 2014 as the initial step for progress.

Elbert County, Georgia is located northeast Georgia approximately 100 miles northeast of Atlanta, 60 miles southwest of Greenville, South Carolina, and approximately 30 miles northeast of Athens, Georgia. The county is predominantly rural but is home to two municipalities. Elbert County, known as the "Granite Capital of the World", is home to a number of quarries and plants specializing in the manufacture of granite memorials, counter tops, and other granite products. A number of agricultural products are also produced in Elbert County. Many visitors and retirees come to Elbert County to take advantage of the fishing, hunting, and other recreational opportunities. Elbert County is one of four Georgia orphan counties included in the Greenville-Spartanburg-Asheville-Anderson Neilson DMA Region.

While the new FCC regulations allow for local governments to file a market modification request, it is our desire to work with our satellite operators and stations, along with the other local orphan counties. In a recent poll sponsored by our local newspaper, over 78% of the respondents were in favor of receiving local television programming from the Atlanta market rather than the Greenville-Spartanburg market. We recognize the desire of our citizens and acknowledge it is in our best interest to have the willing participation of all parties. As such, we are reaching out to initiate the voluntary pre-filing coordination process. This letter serves as our request to obtain a feasibility certification to clarify whether or not, and to what extent, carriage is technically and economically feasible.

Ms. Alison A. Minea
Director & Senior Counsel, Regulatory Affairs
DISH Network L.L.C.
August 31, 2016
Page 2 of 2 Pages

We hereby request that you begin your preliminary market modification evaluation using the following television stations in the Atlanta market:

WSB - ABC
WAGA - Fox
WXIA - NBC
WGCL - CBS.

Our citizens desire news, sports, and programming in from their home state. We look forward to your response as Elbert County works towards achieving a successful market modification petition.

Sincerely,



Bob Thomas
County Administrator

cc: Elbert County Board of Commissioners



Alison Minea
Director & Senior Counsel, Regulatory Affairs
(202) 463-3709

September 2, 2016

VIA ECFS, EMAIL, AND FIRST CLASS MAIL

Mr. Bill Daughtry
County Attorney, Elbert County
P.O. Box 6267
704 Elbert Street
Elberton, GA 30635

***Re: STELAR Feasibility Certification, Market Modification Pre-Filing Coordination Letter
for Elbert County, GA, MB Docket No. 15-71***

Dear Mr. Daughtry:

DISH Network L.L.C. ("DISH") is in receipt of your pre-filing coordination letter ("Letter"),¹ pursuant to the procedures set forth in the Federal Communications Commission's ("FCC") rules governing market modifications for satellite carriers under the STELA Reauthorization Act of 2014 ("STELAR").²

The Letter requests information regarding carriage of the following stations in the Atlanta, Georgia market into Elbert County, Georgia: WSB (ABC); WAGA (FOX); WGCL (CBS); and WXIA (NBC).

The attached Feasibility Certification pursuant to 47 C.F.R. § 76.59(e) reflects DISH's response to the Letter.

Please contact the undersigned if you have any questions.

¹ E-Mail from the Bill Daughtry, County Attorney, Elbert County, Georgia, to Alison Minea, DISH Network, September 1, 2016.

² See Amendment to the Commission's Rules Concerning Market Modification, Implementation of Section 102 of the STELA Reauthorization Act of 2014, *Report and Order*, MB Docket No. 15-71, FCC 15-111, ¶ 47 (Sept. 2, 2015) ("*Market Modification Order*"). See also STELA Reauthorization Act of 2014 (STELAR), § 102, Pub. L. No. 113-200, 128 Stat. 2059, 2060-62 (2014) (codified at 47 U.S.C. § 338(l)).

Sincerely,

/s/

Alison Minea
Director and Senior Counsel, Regulatory
Affairs
DISH Network L.L.C.

cc: Bill Daughtry, daughtrylaw@yahoo.com

Attachment: Feasibility Certification Pursuant to 47 C.F.R. § 76.59(e)

FEASIBILITY CERTIFICATION PURSUANT TO 47 C.F.R. § 76.59(e)

1. This certification is issued by DISH Network L.L.C. ("DISH") pursuant to the pre-filing coordination procedures contained in the Federal Communications Commission's ("FCC") Order¹ governing market modifications for satellite carriers under the STELA Reauthorization Act of 2014 ("STELAR").²
2. This certification responds to the letter ("Letter") from the Bill Daughtry, County Attorney, Elbert County, Georgia requesting information regarding carriage of certain Atlanta, Georgia local broadcast stations (WSB (ABC); WAGA (FOX); WGCL (CBS); and WXIA (NBC) (the "Stations") to DISH subscribers in Elbert County, Georgia (the "County").
3. DISH has evaluated the Letter in light of its current satellites and spot beam configurations, and has determined that, at this time, DISH is unaware of any factors that render such carriage "technically infeasible" pursuant to 47 C.F.R. § 76.59(e). DISH, however, reserves the right to amend this Feasibility Certification at any time due to, among other things, a satellite equipment failure or a different satellite being brought into service for the area that includes the County which has different coverage capabilities than the satellite(s) currently being used. This certification is limited to the Stations listed in paragraph 2, above.
4. To the extent that an Atlanta, Georgia local broadcast station impacted by a market modification elects retransmission consent with respect to DISH for carriage of its station in the County, DISH cannot be certain whether it will be able to successfully reach an agreement with the station. If DISH is unable to reach a retransmission consent agreement with a given station, it will be impossible for DISH to provide that station's signal into the County. If any one of the Stations referenced in your Letter were to deny DISH the right to retransmit its signal into the County, it may be either technically or economically infeasible,³ or both, for DISH to launch a customer offering with only the remaining stations that did grant retransmission consent.
5. As DISH noted in its comments during the development of the market modification rules,⁴ an FCC grant of a market modification could result in, among other things, two different stations affiliated with the same broadcast network being authorized for satellite local-into-local carriage in the County. This could result in DISH being required to pay retransmission consent fees twice for the same broadcast network. Therefore, we must

¹ Amendment to the Commission's Rules Concerning Market Modification, Implementation of Section 102 of the STELA Reauthorization Act of 2014, Report and Order, MB Docket No. 15-71, FCC 15-111, ¶ 47 (Sept. 2, 2015).

² STELA Reauthorization Act of 2014 (STELAR), § 102, Pub. L. No. 113-200, 128 Stat. 2059, 2060-62 (2014) (codified at 47 U.S.C. § 338(l)).

³ See 47 C.F.R. § 76.59(e).

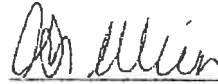
⁴ Comments of DISH Network L.L.C. at 9, MB Docket No. 15-71 (May 13, 2015).

DISH Network L.L.C.

reserve the right to charge additional fees to subscribers in the County who elect to receive any Atlanta, Georgia local broadcast stations that DISH may be authorized to offer as a result of any market modification.

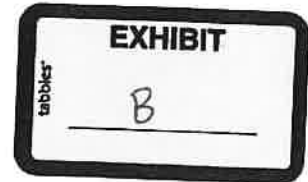
6. Without the ability to offset the additional costs associated with a market modification, it would be "economically infeasible" pursuant to 47 C.F.R. § 76.59(e) for DISH to comply with a market modification ordered by the FCC consistent with the request described in the Letter.

The foregoing has been prepared using facts of which I have personal knowledge or upon information provided to me. I certify under penalty of perjury that the foregoing is true and correct to the best of my current knowledge, information, and belief.



Alison Minea
Director & Senior Counsel,
Regulatory Affairs
DISH Network L.L.C.

Executed on September 2, 2016.



ELBERT COUNTY
Board of Commissioners

45 Forest Avenue
Elberton, Georgia 30635
706/283-2000 Telephone
706/283-1818 Fax

TOMMY LYON, Chairman
CHRIS ALEXANDER, Commissioner
KENNETH ASHWORTH, Commissioner
HORACE HARPER, Commissioner/Vice Chairman
FREDDIE JONES, Commissioner
LEE VAUGHN, Commissioner



BOB THOMAS, Co. Administrator
PHIL PITTS, Finance Director
TAMARA BUTLER, Co. Clerk
BILL DAUGHTRY, Co. Attorney

August 31, 2016

DIRECTV, LLC

Local-Into-Local - Market Modification

2260 East Imperial Highway

El Segundo, California 90245

Attention: Vice President, Content & Programming

RE: Request for Feasibility Certificate for Elbert County, Georgia

Dear Sir or Madam:

Elbert County, Georgia is identified as an orphan county. As part of the Greenville Spartanburg Asheville Anderson Neilson DMA Region, our citizens are unable to access Georgia news, politics, sports, and emergency information as customers of satellite providers. Our citizens have an overwhelming interest in market modification and applauded the STELAR Act of 2014 as the initial step for progress.

Elbert County, Georgia is located northeast Georgia approximately 100 miles northeast of Atlanta, 60 miles southwest of Greenville, South Carolina, and approximately 30 miles northeast of Athens, Georgia. The county is predominantly rural but is home to two municipalities. Elbert County, known as the "Granite Capital of the World", is home to a number of quarries and plants specializing in the manufacture of granite memorials, counter tops, and other granite products. A number of agricultural products are also produced in Elbert County. Many visitors and retirees come to Elbert County to take advantage of the fishing, hunting, and other recreational opportunities. Elbert County is one of four Georgia orphan counties included in the Greenville-Spartanburg-Asheville-Anderson Neilson DMA Region.

While the new FCC regulations allow for local governments to file a market modification request, it is our desire to work with our satellite operators and stations, along with the other local orphan counties. In a recent poll sponsored by our local newspaper, over 78% of the respondents were in favor of receiving local television programming from the Atlanta market rather than the Greenville-Spartanburg market. We recognize the desire of our citizens and acknowledge it is in our best interest to have the willing participation of all parties. As such, we are reaching out to initiate the voluntary pre-filing coordination process. This letter serves as our request to obtain a feasibility certification to clarify whether or not, and to what extent, carriage is technically and economically feasible.

DIRECTV, LLC
Local-Into-Local -- Market Modification
August 31, 2016
Page 2 of 2 Pages

We hereby request that you begin your preliminary market modification evaluation using the following television stations in the Atlanta market:

WSB - ABC
WAGA - Fox
WXIA - NBC
WGCL - CBS.

Our citizens desire news, sports, and programming in from their home state. We look forward to your response as Elbert County works towards achieving a successful market modification petition.

Sincerely,



Bob Thomas
County Administrator

cc: Elbert County Board of Commissioners



September 28, 2016

Via E-mail and US Mail

Bill Daughtry
County Attorney
Elbert County, Georgia
P.O. Box 6267
704 Elbert Street
Elberton, GA 30635
daughtrylaw@elberton.net

Dear Mr. Daughtry:

Please find attached the results of your request for a preliminary evaluation of a potential market modification for **Elbert County, GA**.

DIRECTV's engineering staff was given the areas to evaluate for our **Atlanta, GA** spot beams, and have found that:

- DIRECTV's SD spot beam covers all current zip codes in **Elbert County**
- DIRECTV's HD spot beam covers all current zip codes in **Elbert County**

Please see attached for specific spot beam zip code coverage information. DIRECTV will forward the results of this preliminary evaluation to the FCC for their records.

Thank you for your letter and your interest in DIRECTV programming.

Sincerely,

DIRECTV

Form of Certification Regarding Spot Beam Coverage

1. My name is Phil Goswitz. I am SVP of Engineering at DIRECTV. As such, I am responsible for determining service areas for television stations carried on DIRECTV's spot beams.
2. DIRECTV has reviewed the request to add the communities listed below to the local television market for the station indicated.

Station	State	County
WAGA	GA	ELBERT

3. DIRECTV has analyzed, with respect to each zip code associated with this request, the expected performance against specific performance criteria. The following factors have been included in this analysis:
- The measured performance of the spot beam covering this Television Station's local market.
 - Estimated atmospheric effects for reception of the signal.
 - Estimated levels of interference.
 - The amount of capacity currently used, and reasonably expected to be used, on the spot beam.
 - The target availability figure used for all television stations offered on the spot beam.
4. From this analysis, DIRECTV has derived the following metrics, which it has used to evaluate the potential to provide service in the zip code(s) in question:
- Signal availability.
 - Clear sky signal margin.
 - Total carrier-to-interference ratio.
5. DIRECTV has conducted this analysis in substantially the same manner and using substantially the same parameters used to determine the geographic area in which it currently offers stations carried on the spot beam.
6. Based on this analysis, DIRECTV:
- ☒ HD ☒ SD Can provide service to all the zip codes associated with this request.*
- ☐ HD ☐ SD Cannot provide service to any zip code associated with this request because reception of the signal does not meet the minimum performance thresholds for DIRECTV's service.
- ☐ HD ☐ SD Cannot provide service to some zip codes associated with this request because reception of the signal does not meet the minimum performance thresholds for DIRECTV's service.* The list of unserved zip codes is attached.

* IMPORTANT: SD coverage will no longer be available after 2018/2019 when the existing MPEG 2 satellite is removed from service.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 9/26/16
Date

Signature

Thursday, September 01, 2016

Form of Certification Regarding Spot Beam Coverage

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Station	State	County
WGCL	GA	ELBERT

3. DIRECTV has analyzed, with respect to each zip code associated with this request, the expected performance against specific performance criteria. The following factors have been included in this analysis:

- The measured performance of the spot beam covering this Television Station's local market.
- Estimated atmospheric effects for reception of the signal.
- Estimated levels of interference.
- The amount of capacity currently used, and reasonably expected to be used, on the spot beam.
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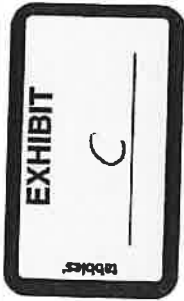
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I declare under penalty of perjury that the foregoing is true and correct.

Executed on 9/26/16
Date

Signature

Thursday, September 01, 2016



11/27/2018

ASR Registration Search

Registration 1206917



ASR Registration 1206917

Registration Detail

Reg Number 1206917
File Number A0876413
EMI Yes
NEPA No

Antenna Structure

Structure Type TOWER - Free standing or Guyed Structure used for Commu

Location (in NAD83 Coordinates)

Lat/Long 33-47-51.4 N 084-20-01.7 W
City, State Atlanta , GA
Zip 30306

Center of AM Array

Heights (meters)

Elevation of Site Above Mean Sea Level

276.0

Overall Height Above Mean Sea Level

624.8

Painting and Lighting Specifications

FAA Chapters 4, 5, 7, 9, 13

Paint and Light in Accordance with FAA Circular Number 70/7460-1J

FAA Notification

FAA Study 98-ASO-5150-OE

Owner & Contact Information

FRN 0013521968

Owner

New World Communications of Atlanta, Inc.

Attention To: Joseph M. Di Scipio

400 N. Capitol Street, NW

Suite 890

Washington , DC 20001

Contact

Attention To: Joseph M. Di Scipio

400 N. Capitol Street, NW

Suite 890

Washington , DC 20001

Last Action Status

Status

Purpose

Mode

Related Applications

01/24/2014 A0876413 - Admin Update (AU)

Status Constructed
Constructed 12/01/2000
Dismantled

Address 1551 Briarcliff Rd.

County DEKALB

Position of Tower in Array

Overall Height Above Ground (AGL)

348.8

Overall Height Above Ground w/o Appurtenances

321.0

FAA Issue Date 10/08/1998

Owner Entity Type Corporation

P: (202)824-6522
F: (202)824-6510
E: jdisclipio@21cf.com

P: (202)824-6522
F:
E: jdisclipio@21cf.com

Received 01/24/2014
Entered 01/24/2014

A0682145 - Admin Update (AU)
A0642037 - Admin Update (AU)

04/08/2010
06/29/2009
Related applications (7)

Comments

None

History

Date

01/25/2014
01/24/2014
01/24/2014
All History (18)

Event

Registration Printed
ASR Application receipt email sent: Tower email
Administrative Update Received

Authorization Letters

01/25/2014
04/09/2010
06/30/2009
All letters (7)

Authorization, Reference
Authorization, Reference
Authorization, Reference

CLOSE WINDOW

11/27/2018

ASR Registration Search

Registration 1223132



ASR Registration 1223132

Registration Detail

Reg Number 1223132
File Number A1075490
EMI Yes
NEPA No

Antenna Structure

Structure Type GTOWER - Guyed Structure Used for Communication Purposes

Location (in NAD83 Coordinates)

Lat/Long 33-48-26.4 N 084-20-21.5 W
City, State Atlanta, GA
Zip 30324

Center of AM Array

Heights (meters)

Elevation of Site Above Mean Sea Level

264.3

Overall Height Above Mean Sea Level

524.6

Painting and Lighting Specifications

FAA Chapters 4, 9, 12
Paint and Light in Accordance with FAA Circular Number 70/7460-1K

FAA Notification

FAA Study

00-ASO-8684-OE

Owner & Contact Information

FRN 0011498342

Owner

American Towers LLC
Attention To: FAA/FCC
10 Presidential Way
Woburn, MA 01801

Contact

Attention To: FAA/FCC
10 Presidential Way
Woburn, MA 01801

Last Action Status

Status Constructed
Purpose Notification
Mode Interactive

Related Applications

05/22/2017 A1075490 - Notification (NT)
05/22/2017 A1075489 - Modification (MD)

Status Constructed
Constructed
Dismantled
03/27/2002

Address 1800 Briarcliff Road NE

County DEKALB

Position of Tower in Array

Overall Height Above Ground (AGL)

360.3

Overall Height Above Ground w/o Appurtenances

321.9

FAA Issue Date 01/18/2001

Owner Entity Type United Liability Company

P: (781)926-4500

F: -

E: FAA-FCC@americantower.com

P: (781)926-4500

F: -

E: FAA-FCC@americantower.com

Received

Entered 05/22/2017

11/27/2018

04/14/2014
Related applications (8)

Comments
None

History

Date

05/23/2017

05/22/2017

05/22/2017

All History (18)

Customized History

05/23/2017

04/15/2014

04/15/2014

All letters (9)

A0898195 - Change Owner (OC)

ASR Registration 1223132

Event

Registration Printed

Construction Notification Received

Modification Received

Authorization, Reference

Authorization, Reference

Ownership Change, Reference 795710

Close Window

11/27/2018

ASR Registration Search

Registration 1031790



ASR Registration 1031790

Registration Detail

Reg Number 1031790
 File Number A0831354
 EMI No
 NEPA No

Status Constructed
 Constructed 03/31/1957
 Dismantled

Antenna Structure

Structure Type TOWER - Free standing or Guyed Structure used for Commu

Location (in NAD83 Coordinates)

Lat/Long 33-45-51.7 N 084-21-41.7 W
 City, State ATLANTA , GA
 Zip 30312

Address 766 WILLOUGHBY WAY
 County FULTON
 Position of Tower in Array

Center of AM Array

Heights (meters)
 Elevation of Site Above Mean Sea Level 296.6
 Overall Height Above Mean Sea Level 624.2

Overall Height Above Ground (AGL)

327.6

Overall Height Above Ground w/o Appurtenances

274.0

Painting and Lighting Specifications

FCC Paragraphs 1, 3, 8, 17, 21

FAA Notification

FAA Study 99-ASO-4225-OE

FAA Issue Date 09/20/1959

Owner & Contact Information

FRN 0022439848
 Assignor FRN 0001842558

Owner Entity Type Limited Liability Company
 Assignor ID L00010815

Owner

Georgia Television, LLC
 Attention To: Chief Engineer
 1501 West Peachtree Street, NE
 Atlanta , GA 30309

P: (404)897-7000
 F:
 E: gary.alexander@wsbtv.com

Contact

Attention To: Chief Engineer
 1601 West Peachtree Street, NE
 Atlanta , GA 30309

P: (404)897-7000
 F:
 E: gary.alexander@wsbtv.com

Last Action Status

Status Constructed
 Change Owner
 Mode Interactive

Received 04/01/2013
 Entered 04/01/2013

Related Applications

04/01/2013 A0831354 - Change Owner (OC)

11/27/2018

ASR Registration 1031/90

A0831353 - Notification (NT)
A0098534 - Modification (MD)

Related applications (4)

Comments

None

History

Date

04/02/2013

04/02/2013

04/01/2013

All History (7)

Event

Registration Printed

Change of Ownership Letter Sent

Change of Ownership Received

Automated Letters

04/02/2013

04/02/2013

10/10/2000

All letters (4)

Authorization, Reference

Ownership Change, Reference 754625

Construction Reminder, Reference 77169

CLOSE WINDOW

11/27/2018

ASR Registration Search

Registration 1020431



ASR Registration 1020431

Registration Detail

Reg Number 1020431
File Number A1089377
EMI No
NEPA No

Antenna Structure

Structure Type TOWER - Free standing or Guyed Structure used for Commu
Location (in NAD83 Coordinates) 33-45-24.0 N 084-19-55.0 W
Lat/Long ATLANTA , GA
City, State 30307
Zip

Center of AM Array
Heights (meters) 306.9
Elevation of Site Above Mean Sea Level 624.5
Overall Height Above Mean Sea Level 284.0

Painting and Lighting Specifications

FCC Paragraphs 1, 3, 7, 16, 21

FAA Notification

FAA Study

Owner & Contact Information

FRN 0024376113

Owner

Pacific and Southern, LLC
TEGNA, Inc.
7950 Jones Branch Dr
McLean , VA 22107

Contact

Attention To: Denise Branson
TEGNA, Inc.
7950 Jones Branch Dr
McLean , VA 22107

Last Action Status

Status Constructed
Purpose Admin Update
Mode Interactive

Related Applications

09/29/2017 A1089377 - Admin Update (AU)
05/19/2015 A0971610 - Change Owner (OC)

Status Constructed
Disarmed 01/01/1981

Address 110 ARIZONA AVE

County DEKALB

Position of Tower in Array

Overall Height Above Ground (AGL)

317.6

Overall Height Above Ground w/o Appurtenances

284.0

FAA Issue Date

Owner Entity Type

Limited Liability Company

P: (703)873-6600

F:

E: lawdept@tegna.com

P: (703)873-6606

F:

E: dbranson@tegna.com

Received

09/29/2017

Entered

09/29/2017

11/27/2018

ASR Registration 1240-31

A0730898 - Admin Update (AU)

06/24/2011
Related applications (7)

Comments

None

Date

09/30/2017

09/29/2017

05/20/2015

All History (15)

Registration Printed

Administrative Update Received

Registration Printed

Authorization, Reference

Authorization, Reference

Ownership Change, Reference 863340

All letters (8)

CLOSE WINDOW

Exhibit D

11/27/2018

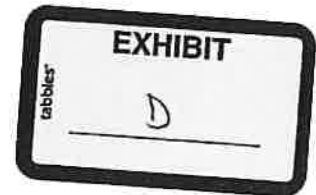
Elbert County Commissioner to 1551 Briarcliff Rd NE, Atlanta, GA 30306 - Google Maps

Google Maps Elbert County Commissioner to 1551 Briarcliff Rd NE, Atlanta, GA 30306

Drive 105 miles, 1 h 56 min



	via I-85 S	1 h 56 min
	Fastest route, 105 miles	
	via US-29 S	2 h 4 min
	118 miles	
	via GA-77 S and I-20 W	2 h 21 min
	123 miles	

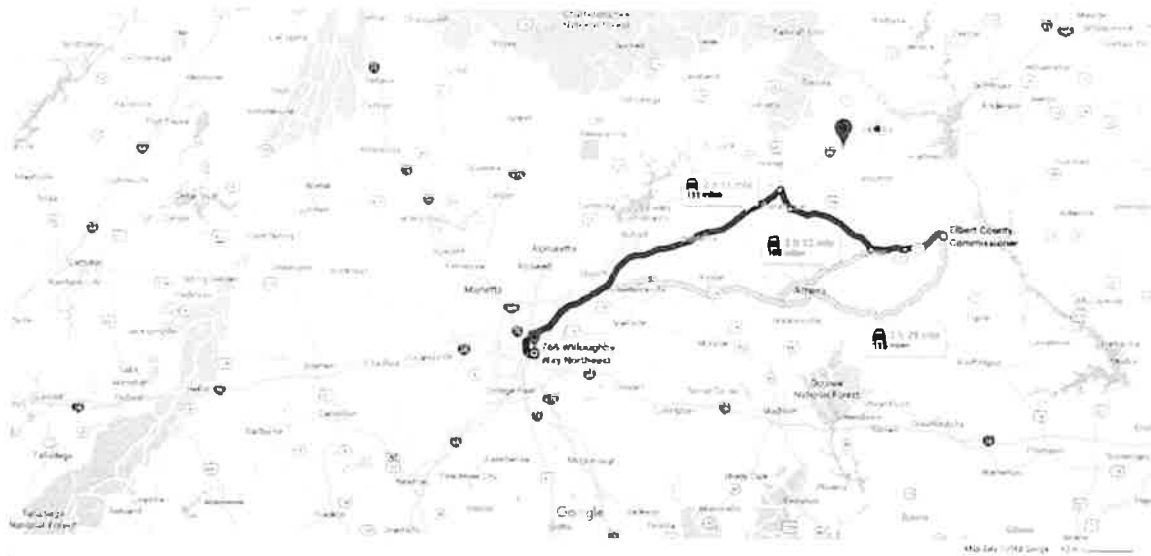





11/27/2018

Elbert County Commissioner to 766 Willoughby Way Northeast, Atlanta, GA - Google Maps

Google Maps Elbert County Commissioner to 766 Willoughby Way Northeast, Atlanta, GA

Drive 111 miles, 2 h 11 min



-  via I-85 S
Fastest route, despite the usual traffic
111 miles
-  via US-29 S
Some traffic, as usual
124 miles
-  via GA 77 S and US-29 S
Some traffic, as usual
118 miles

Google Maps Elbert County Commissioner to 110 Arizona Avenue Northeast, Atlanta, GA



-  via I-20 W
23.9 miles
1:11 drive
-  via I-85 S
24.9 miles
1:14 drive
-  via US-29 S
24.9 miles
1:14 drive

Summary of Results

Affiliate	Current Broadcaster		Requested Broadcaster	
	Call Sign	Distance	Call Sign	Distance
ABC	WLOS	90.8	WSB-TV	54
CBS	WSPA	80	WGCL	87.1
FOX	WHNA	74.6	WAGA	87
NBC	WYFF	70.6	WXIA	87.6

EXHIBIT

11

WAGA-TV ATLANTA, GA

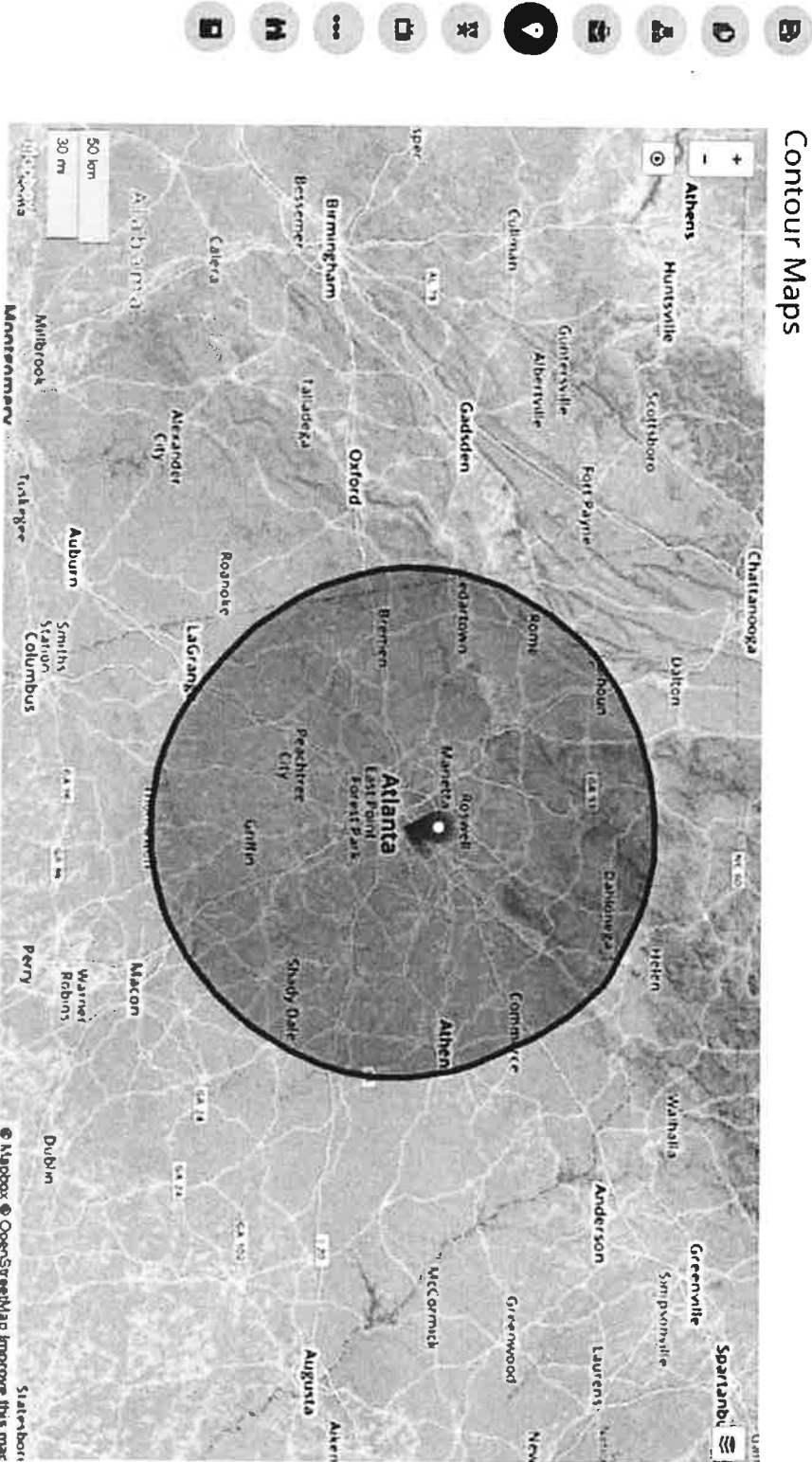
Virtual Channel 5 RF Channel 27 Facility ID 70689

Google WAGA-TV Profile

Q



Contour Maps



WSB-TV ATLANTA, GA

Virtual Channel 2 RF Channel 32 Facility ID 23960

Search WSB-TV Profile



Contour Maps



© Mapbox © OpenStreetMap Improve this map

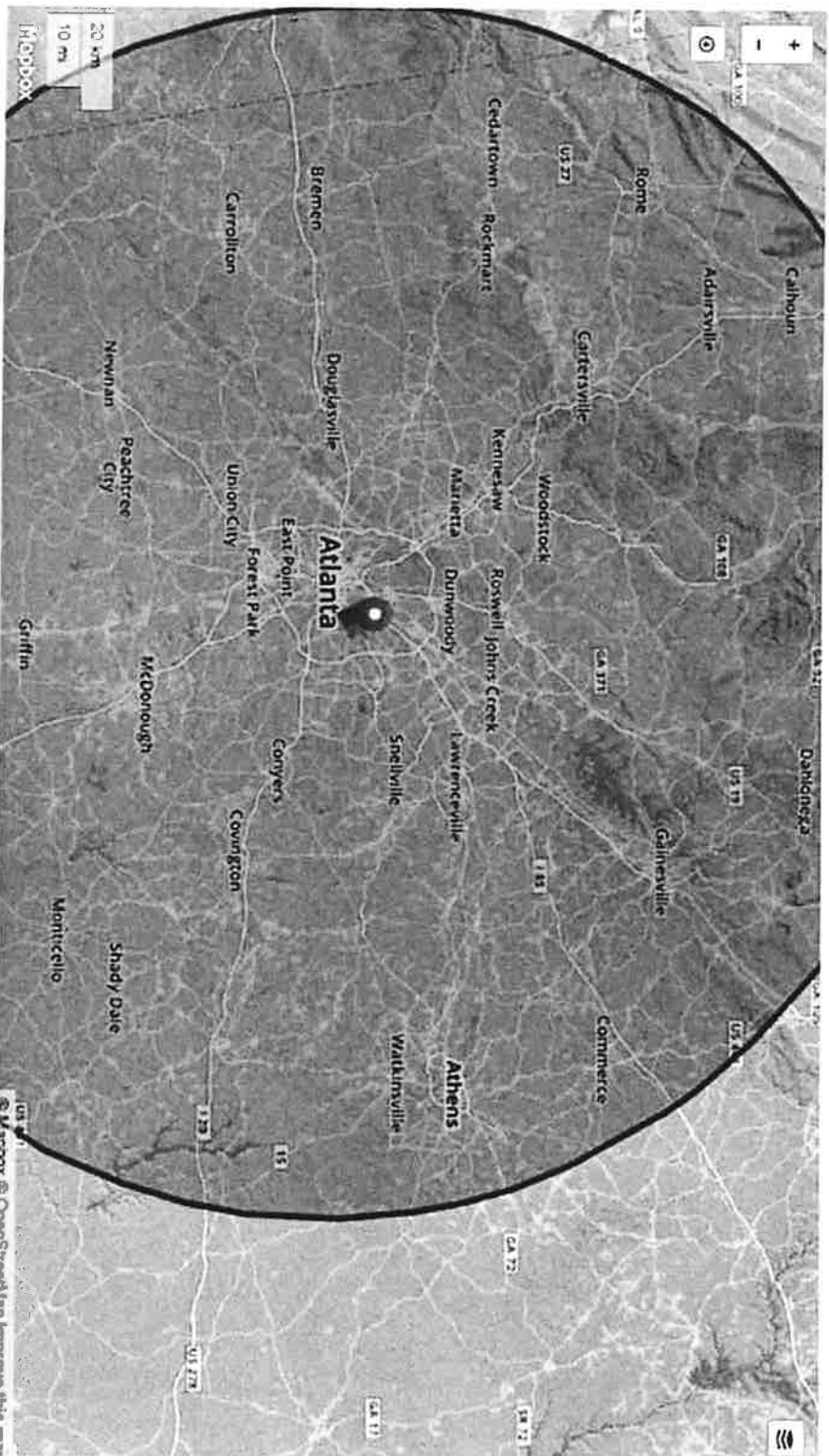
WXIA-TV ATLANTA, GA

Virtual Channel 11 RF Channel 10 Facility ID 51163

Search WXIA-TV Profile



Contour Maps



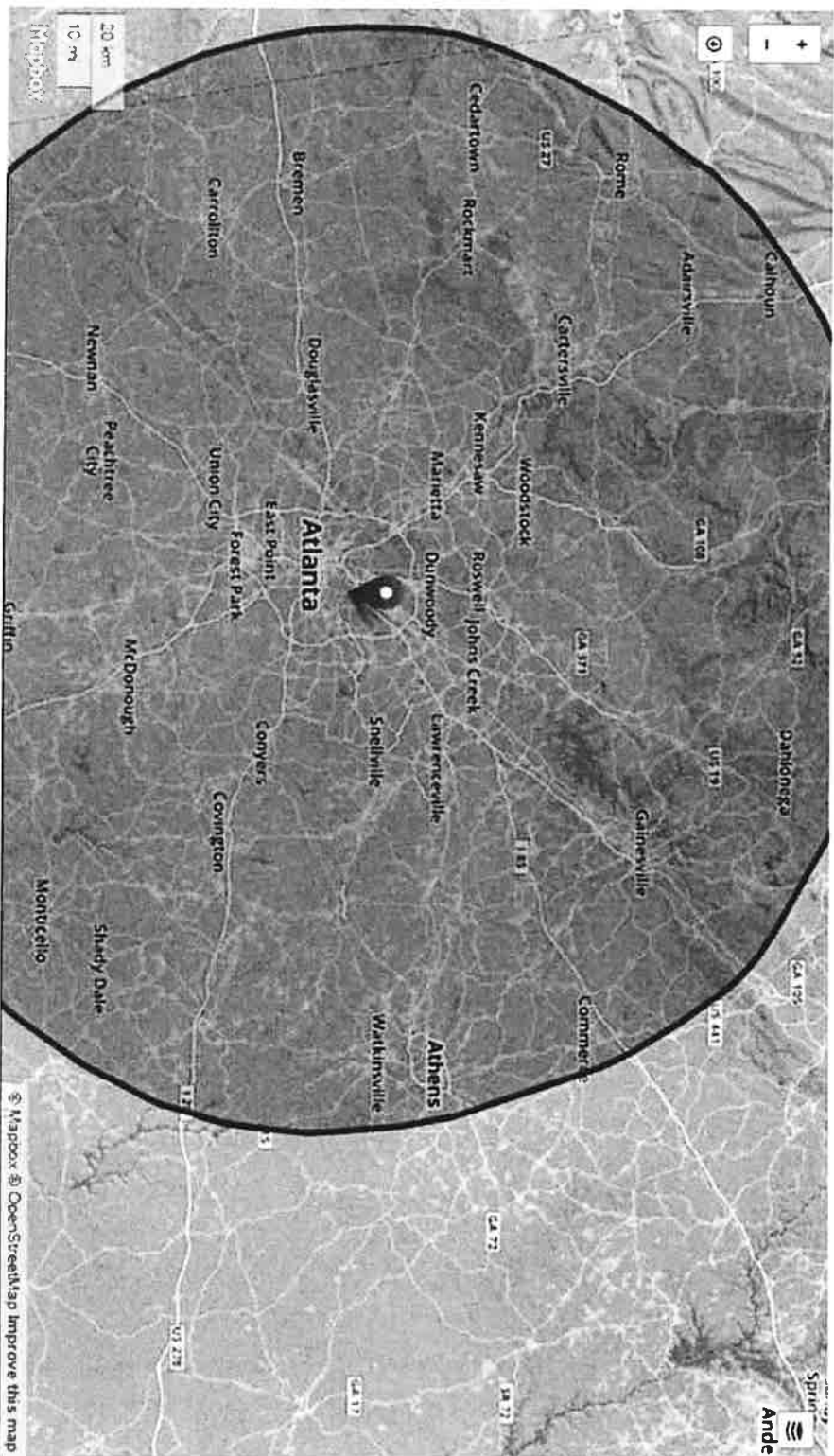
WGCL-TV ATLANTA, GA

Virus Channe 46 RF Channe 19 Facing ID 72120

Search WGCL-TV Profile



Contour Maps



EXHIBIT

G

Franklin County Board of Commissioners Northeast Georgia Orphan County -- Citizen Survey

Survey Information

Survey Conducted by Survey Monkey
Results as of May 15, 2017
Joint Effort by all NEGA Orphan Counties

Total Respondents: 1,769

**note some questions skipped by participants*

Number of Questions: 8

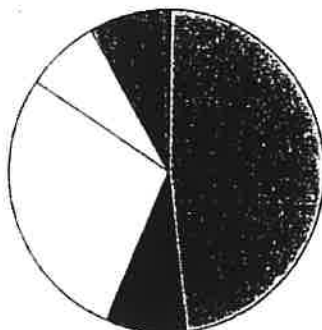
County of Residence



	Yes	No	Maybe
Would you be interested in receiving in-state television broadcast (Atlanta stations)?	94.70 %	5.30 %	n/a
Would you be willing to pay more for in-state television broadcast?	18.80 %	43.00 %	38.30 %
What is the main reason you are interested in switching to in-state television broadcasts?			
	Sports	2.00 %	
	News	14.70 %	
	Politics	1.90 %	
	All of the Above	81.40 %	
	Local	Georgia	South Carolina
Where do you typically shop?	47.90 %	43.30 %	8.80 %
Where do you typically seek services such as healthcare, arts/entertainment, car repair, etc ?	46.00 %	51.20 %	2.80 %

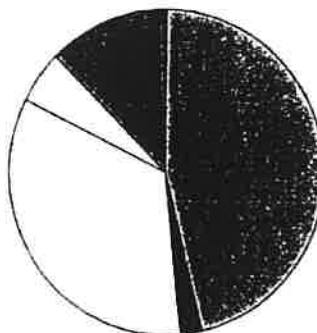
Shopping Patterns

☐ Local
☒ Anderson, SC
☐ Athens, GA
☐ Atlanta, GA
☒ Augusta, GA
☒ Gainesville, GA
☒ Greenville, SC



Service Delivery

☐ Local
☒ Anderson, SC
☐ Athens, GA
☐ Atlanta, GA
☒ Augusta, GA
☒ Gainesville, GA
☒ Greenville, SC



Congress of the United States
Washington, DC 20515

May 19, 2017

The Honorable Ajit Pai
Chairman
Federal Communications Commission
445 12th Street S.W.
Washington, D.C. 20536

Dear Chairman Pai,

We write in strong support of the satellite market modification petitions submitted by Franklin, Hart, Stephens, and Elbert counties (the "counties"), seeking coverage of in-state broadcasting from Atlanta-based stations. These petitions are the culmination of years of work by the counties in support of their residents' need for access to in-state television programming for news, weather, and sports. A recent survey found that over 94% of respondents are interested in receiving in-state television broadcasting, highlighting the importance of this issue among county residents.

Residents of these four northeast Georgia counties who subscribe to satellite television currently receive only local programming from broadcasting stations in the Asheville, North Carolina and Greenville, South Carolina media markets. As a result, residents are deprived of the range of critical information that in-state broadcasters provide to their communities. Since weather patterns in this region generally move from west to east, residents depend on public safety messages that come through in-state broadcasters. Thus, the provision of local broadcasting options represents a matter of public safety as well as an important cultural and economic link between these counties and the rest of Georgia.


This petition comes after years of effort in the legislative and executive branches of our government as well as at the state level. Members of Georgia's congressional delegation worked together with colleagues and stakeholders to develop a viable solution that was ultimately included the Satellite Television Extension and Localism Reauthorization (STELAR) Act of 2014. The Commission's promulgation of final rulemaking in September of 2015 and the issuance of the first market modification orders in early 2017, pursuant to the STELAR Act, gives us hope that the residents of the counties in northeast Georgia will finally have access to the local broadcasting that they so urgently want and need.

We urge the Commission to diligently review the petitions of Franklin, Hart, Stephens, and Elbert counties and work with all affected stakeholders to quickly complete consideration of their satellite market modification petitions. Thank you for your consideration.


Doug Collins
U.S. Congress

Sincerely,

Johnny Isakson
U.S. Senate


David Perdue
U.S. Senate





GEORGIA ASSOCIATION
OF BROADCASTERS

6 West Druid Hills Drive NE, Suite 330 | Atlanta, GA 30329
Phone (770) 395-7200 | Fax (770) 395-7235 | www.gab.org

November 27, 2017

The Honorable Ajit Pai
Chairman
Federal Communications Commission
445 12th Street S.W.
Washington, D.C. 20536

Dear Chairman Pai,

The Georgia Association of Broadcasters (GAB) is the trade association that represents the interests of Georgia's over-the-air radio and television licensees who reach more than 95% of Georgia's population every week. Our membership is comprised of more than 500 radio and television broadcasters and covers all 159 counties in the state.

As broadcasters in Georgia, we appreciate the efforts of Elbert, Hart, Franklin and Stephens counties (hereafter the "orphan counties") to increase viewer access to local broadcast TV programming in Northeast Georgia. With this letter, we want to confirm our support for increasing localism in a manner that does not undermine the designated market area system.

In discussing carriage of television signals, it is important to remember that the designated market area (DMA) system serves as the foundation that allows local stations to support service to their communities. The FCC report on DMAs, released on June 3, 2016, affirmed the DMA structure and determined that departing from the existing DMA system would create enormous disruptions in the video programming industry. This report also referred to an option for increasing localism that has been previously addressed – voluntary agreements for pay-TV operators to carry in-state stations' local, non-duplicative programming. Broadcasters in the past have offered this option to pay-TV providers in several different markets.

Our goal is to provide those counties with local Georgia programming, while not undermining the framework of our nation's local TV broadcasting system. To the extent that this can be achieved through targeted market modification, we fully support the orphan counties' petition. Additionally, the GAB continues to support efforts to negotiate terms of targeted carriage arrangements to allow delivery of local, in-state, non-duplicative broadcast programming and to increase access to in-state news by Georgia viewers.

We look forward to working with all parties in furtherance of an outcome that brings more local programming to viewers in the orphan counties. In doing so, we also need to respect existing programming contracts and important FCC rules that support locally-oriented TV broadcasting. The specifics of such negotiated carriage arrangements will need to be worked through with individual broadcast stations.

Again, we thank you for your continued desire to work with us to facilitate a successful outcome.

Sincerely,

Bob Houghton
President
Georgia Association of Broadcasters



Knowlton says local folks are interested in the local hospital.

The tax credit, increased by the Georgia State Legislature to 100 percent from 70 percent last year, has definitely been a benefit for EMH.

While taking in \$139,000 a year ago under the 70 percent credit, already in this calendar year EMH has received \$805,720 this year.

The stated goal of EMH is to bring in \$1 million in state tax credit funding before the end of the summer.

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ribed by
ructure,
because

See **TAX CREDITS**
on Page 2

et Cake



ert Theatre

theatre productions, The Red Velvet Cake presentation, directed comedy runs on Saturday the Texas cake warnee on Sunday after-Toni King at 706-283-

FCC/Orphan hearing held

By Shana Toney

The Elbert County Board of Commissioners unanimously approved a motion Monday night to file a petition to the Federal Communications Commission to switch the television designated market area (DMA) from the Greenville-Spartanburg-Asheville to Atlanta in the ongoing "orphan counties" debate.

According to County Attorney Bill Daughtry, Franklin County has already filed their petition and Hart County approved a motion to file a petition two months ago, but has yet to do so. Stephens County has decided to take no action, said Daughtry.

In a hearing held prior to the commissioners' regular meeting, the BOC meeting room has full of citizens who were there to share their concerns on the network change.

An overwhelming majority were there in favor of changing to the Atlanta market, expressing that their main concern with the Greenville media market is the fact that they are not informed on what's going on with Georgia politics.

See **ORPHAN**
on Page 2

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Volume 131, Number 24

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The Elberton Star

The Night Affair Band plays
at Jim-Ree Festival, Page 2

Animal control officer trying
to find home for kittens, Page 6



Celebrating 131 years of service to Elbert County

WEDNESDAY
June 13, 2018

Exhibit M

Orphan:

Elbert County commissioners vote to petition FCC on changing local

Another point of concern is that they would like to be able to watch Georgia sports on their television stations.

Marie Oglesby told the commissioners, "There is nothing about Georgia candidates... I can't vote in South Carolina so why in the world would I want to know about their government?" She asked the county to please continue their efforts.

Elberton Police Department Chief Mark Welsh said he is in favor of the switch because "it makes good sense from a public safety standpoint," though he said what he would really like to see is a "blending of the two."

While almost all the citizens in attendance stood before the board to speak in favor of the switch, one spoke against the switch.

Mat Hunt said it would be "unnecessary, unreasonably expensive and we'd

lose more than we'd gain."

According to Hunt, Elbert County's weather is monitored and interpreted out of the National Weather Service facility at the Greenville-Spartanburg (GSP) Airport in Greer. "We're getting better emergency weather information out of GSP stations than Atlanta."

Hunt also claims that Atlanta network affiliates don't have a receivable signal in Elbert County but one Augusta station does. His suggestion was to look into changing to an Augusta station or a dual market.

Citizens disagreed with Hunt's suggestion for looking into an Augusta market, claiming that Augusta is too far south and that it is more important to get news and weather coverage from Atlanta and Athens in order to "see what's coming."

Commissioner Kenneth Ashworth

said that he gets his weather from the radar on his phone and that the weather isn't a concern for him.

Daugherty stated that the process will be lengthy and that there is a chance the county's recommendation could be denied, but following the board's approval he will start filing the paper work.

"I don't know that it won't be a mistake," said County Chairman Tommy Lyon, "but we won't know until we try. I think it's something we have got to do."

The commissioners also unanimously approved a motion during their Monday night meeting to continue the inter-governmental agreement with Elbert County Sheriff's Office and the Board of Education for the provision of school resource officers for the 2018-2019 school year.

A bid of \$9,800 was approved to re-

place the rotating beacon at Elbert County Airport that is current and no longer working.

According to County Administrator Bob Thomas, 90 percent of the will come from a grant from the Aviation Association.

The commissioners approved a request from the Jim-Ree Museum to paint the building located at 1st St.

According to Jim-Ree Board member Jimmy White, all work will be done by the approval of the Historic Preservation Commission of the City of Elberton.

The commissioners also made a motion to approve the renewal of the county's agreement with the Judicial Circuit Public Defender's Office for indigent defense service for the 2018-2019 fiscal year beginning in

Mann rocks library with storytelling

Barry Stewart Mann will rock the Elbert County Library Friday, June 15 at 10:30 a.m.

Mann and his puppet front man, Ricky, will share stories and sing the praises of libraries, books and music.

They'll feature such popular titles as Shel Silverstein's "Where the Wild Things Are" and "The



Poll results

This week's poll:

There are differing opinions on how public officials should make their decisions. What is your stance on this issue?

- Public officials are elected to make the best decisions for their constituents, regardless of public opinion.
- Public officials are elected to represent those who put them in office and should vote according to their constituents' wishes.

Results of previous poll:

New FCC regulations will soon allow border counties to choose whether or not to have in-state local channels or continue to receive out-of-state local channels. Local officials will be able to petition the FCC to have their municipalities receive in-state local channels rather than from out-of-state networks. Where should Elbert County's local channels come from?

- 78% I live in Elbert County and prefer my local channels come from Atlanta.
- 22% I live in Elbert County and prefer my local channels come from Greenville/Spartanburg.

Visit The Elberton Star website
(www.elberton.com) to participate in this poll.

Exhibit N

CERTIFICATE OF SERVICE

This is to certify that I have this date placed a true and correct copy of the foregoing Petition for Special Relief in first class U.S. mail, with adequate postage thereon, this 29 day of March, 2019, addressed to the following:

WSB-TV
601 West Peachtree St NE
Atlanta, GA 30309

WLOS
110 Technology Drive
Ashville, NC 28803

WXIA
One Monroe Place NE
Atlanta, GA 30324

WYFF
505 Rutherford Street
Greenville, SC 29609

WAGA
1551 Briarcliff Rd NE
Atlanta, GA 30306

WHNS
21 Interstate Court
Greenville, SC 29303

DIRECTV, LLC
Local-Into-Local Market Modification
2260 East Imperial Highway
El Segundo, CA 90245

Ms. Alison A. Minea
Direct & Senior Counsel, Regulatory Affairs
Dish Network, LLC
1110 Vermont Ave, NW
Suite 750
Washington, DC 20005

BERELC LAW OFFICE, P.C.

BY:



D. MATTHEW EASOM
GA BAR NO: 437998

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Lavonia, Ga 30553
Phone: 706-356-0518
Fax: 855-356-0518
matt@berelclawoffice.com